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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,254	11/08/2001	Makoto Tomita	35.G2939	5021

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EXAMINER	
MILIA, MARK R	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/986,254	TOMITA, MAKOTO	
	Examiner	Art Unit	
	Mark R. Milia	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-8,11-15 and 18-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4-8, 11-15, and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/15/06 has been entered. Currently, claims 1, 4-8, 11-15, and 18-21 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 4-7, 15, and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1 and 15 recites the limitation "said setting step" in the third to last limitation. There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

5. Applicant's arguments filed 5/15/06 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding the rejection of claims 1, 4-8, 11-15, and 18-21, particularly claim 1, wherein on page 11, the applicant asserts that the reference of Schwartz fails to disclose a print driver which determines an operation mode from among a plurality of operation modes based on an analysis result and selection criterion, performs a print processing by the operation mode determined based on the select criterion, then displays an evaluation screen for querying the evaluation of a printing speed for the print processing, acquires the evaluation result inputted by a user via the evaluation screen displayed and updates the selection criterion based on the evaluation result. The examiner respectfully disagrees as Schwartz does disclose a print driver which determines an operation mode from among a plurality of operation modes based on an analysis result and selection criterion, performs a print processing by the operation mode determined based on the select criterion. Particularly, Schwartz discloses a print driver that analyzes data in real time, which suggests that an updating process must take place, and the print driver selects the optimum print model based on specification from the user and the print data analyzed (see column 3 lines 65-67 and column 4 lines 22-27 and 42-50). The user selects whether the print driver will select the optimum model based upon print speed or quality and the print driver is capable of switching formats on a page-by-page basis. All of the above discloses a system

analogous to the claimed invention. The examiner agrees that Schwartz does not disclose displaying an evaluation screen for querying the evaluation of a printing speed for the print processing, acquires the evaluation result inputted by a user via the evaluation screen displayed and updates the selection criterion based on the evaluation result. However, the reference of Sampath does disclose such features. Particularly, Sampath discloses determining image quality parameters (see column 6 lines 33-50) and after detection of such parameters, a user is given the opportunity to augment and/or verify the results via a user interface (see column 7 lines 39-49 and column 8 lines 1-20), which is analogous to the claim limitation. Therefore the combination of Schwartz and Sampath disclose the system as recited in the current claim language.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1, 4-8, 11-15, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz in view of Sampath.

Regarding claims 1, 8, and 15, Schwartz discloses a print control method of a print driver, apparatus, and storage medium containing a print control program for performing print processing in an operation mode which is automatically determined from among a plurality of operation modes in response to a print request from an application program (see column 1 lines 9-14 and column 4 lines 42-50), comprising:

generating print data in intermediate condition and temporarily storing the generated print data, wherein said print data generating step is responsive to the print request from the application program, and wherein the intermediate condition is independent of a particular page description language (see column 6 line 65-column 7 line 4 and column 11 lines 41-47), analyzing the temporarily stored generated print data (see column 6 line 40-column 7 line 39, column 8 lines 34-52, column 9 lines 12-33, and column 11 lines 27-30), determining the operation mode from among the plurality of operation modes based on the analysis in said print data analyzing step (see column 3 lines 65-67, column 4 lines 22-27, column 7 lines 11-15, column 9 lines 12-25, and column 10 lines 19-26), processing the temporarily stored generated print data in accordance wit the determined operation mode (see column 3 lines 65-67, column 4 lines 22-27, column 6 line 40-column 7 line 39, and column 9 lines 12-33), a response acquiring step in which, by querying evaluation of a printing speed for the print the quality of print produced by processing or the print processing, a response is acquired (see column 5 line 45-column 6 line 15 and column 6 line 65-column 7 line 20), and updating the selection criterion for determining said operation mode based on an evaluation result (see column 3 lines 65-67 and column 4 lines 22-27 and 42-50).

Schwartz does not disclose expressly setting means for setting evaluation information indicating whether or not the operation mode is to be evaluated after printing, displaying an evaluation screen for querying evaluation of a printing speed for the print processing of print produced by the print processing in a case where the evaluation information set in said setting step indicates that the operation mode is to be

evaluated, and an evaluation acquisition step of acquiring an evaluation result input by a user via the evaluation screen displayed in said displaying step.

Sampath discloses setting means for setting evaluation information indicating whether or not the operation mode is to be evaluated after printing (see column 3 lines 48-56 and column 6 lines 33-50), displaying an evaluation screen for querying evaluation of a printing speed for the print processing of print produced by the print processing in a case where the evaluation information set in said setting step indicates that the operation mode is to be evaluated, and an evaluation acquisition step of acquiring an evaluation result input by a user via the evaluation screen displayed in said displaying step (see column 6 lines 33-50, column 7 lines 7-49, and column 8 lines 1-20, reference states that the system detects the quality of an image which can be displayed for the user to view and augment and/or verify the results, which is analogous to the claim limitations).

Schwartz & Sampath are combinable because they are from the same field of endeavor, printing based on image quality.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the verifying or evaluating of image quality by a user, as described by Sampath and which is well known in the art, with the system of Schwartz.

The suggestion/motivation for doing so would have been to improve customer satisfaction and verify the results are that which the customer desires.

Therefore, it would have been obvious to combine Sampath with Schwartz to obtain the invention as specified in claims 1, 8, and 15.

Regarding claims 4, 11, and 18, Schwartz and Sampath disclose the system discussed in claims 1, 8, and 15, and Schwartz further discloses a classification step of outputting classification data by analyzing the temporarily stored print data so that the print data is classified into one of classifications based on the type of the print data (see column 7 lines 21-31 and column 7 line 40-column 8 line 33, reference shows that print data is made up of one of three kinds of objects to be drawn, the three being bitmaps, graphics, and text and depending on which of these is to be output, the calculations about the processing and the selection of an optimal print model are decided), and a storage step in which, based on the evaluation result acquired in said evaluation acquisition step and the classification data output in said classification step, a the selection is updated (see column 3 lines 65-67, column 4 lines 22-27 and 42-50, column 6 line 40-column 7 line 11, column 8 lines 30-62, and column 9 lines 1-9, reference shows that data is stored in either the printer or the host and is processed depending on the type of print data in a particular manner).

Regarding claims 5, 12, and 19, Schwartz and Sampath disclose the system discussed in claims 4, 11, and 18, and Schwartz further discloses wherein, said determination step determines the operation mode also based on the classification data (see column 5 line46-column 6 line 15 and column 6 line 40-column 8 line 62, reference shows that based on the print quality and speed and the type of print data, bitmap, graphic, or text, an optimal print mode is selected and the print data is processed accordingly).

Regarding claims 6, 13, and 20, Schwartz and Sampath disclose the system discussed in claims 1, 8, and 15, and Sampath further discloses wherein said displaying step displays a plurality of options to query the evaluation of the printing speed for the print processing or the quality of print produced by the print processing, and wherein said evaluation acquisition step acquires a selected option as the evaluation result (see column 6 lines 33-50, column 7 lines 7-49, and column 8 lines 1-20, reference states that the system detects the quality of an image which can be displayed for the user to view and augment and/or verify the results, which is analogous to the claim limitations).

Regarding claims 7, 14, and 21, Schwartz and Sampath disclose the system discussed in claims 1, 8, and 15, and Sampath further discloses a test-print designation step for designating a test print in which a process of querying the evaluation of the print is performed, wherein, when the test print is designated in said test-print designation step, the evaluation of the print is acquired in said evaluation acquisition step (see column 6 lines 37-50 and column 7 lines 39-49).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
Art Unit 2625

MRM

JOSEPH R. POKRZYWA
PRIMARY EXAMINER